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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,052	08/06/2001	Masafumi Maekawa	FUJI 18.898	9865
26304	7590	04/14/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			TRUONG, CAMQUY	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	

2195

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,052

Applicant(s)

MAEKAWA ET AL.

Examiner

Camquy Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

i. As to claim 3, lines 1-2, it is not clearly understood what "have been obtained" (i.e. hardware resource obtaining request or obtained hardware resources); line 8, it is not clearly understood "resource usage of each of the obtained hardware resources is identical with a resource usage of the hardware resource obtaining request" (i.e. the amount of the resource usage of obtained resource is the same as the amount of the amount of the resource usage obtaining request or the resource usage type of the obtaining resources is identical with the resource usage type of the resource usage type of the obtaining request).

ii. As to claim 7, it is not clearly indicated what is meant by "unused area of one obtained hardware resource" (i.e. the available hardware resource in the system).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasuta (U.S. Patent 5,423,066) in view of Almgren et al 7,016,957 B2).

6. As to claim 1, Sasuta teaches the invention substantially as claimed including: a method for obtaining hardware resource in a system (col. 2, lines 34-43), said method comprising the steps of:

Obtaining additional resources from available resources which have not been obtained in the system, for a resource usage type of a resource obtaining request, when each use rate of resources exceeds a predetermined threshold in that a resource usages type of each of the obtained resource is identical with a resource usage type of the resource obtaining request (col. 3, line 54- col. 4, line 29).

7. Sasuta does not explicitly teach the resource usage type indicates a guarantee type to data errors. However, Almgren teaches the resource usage type indicates a guarantee type to data errors (col. 3, lines 45-55).

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8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Sasuta and Almgren because Almgren's resource usage type indicates a guarantee type to data errors would improve the efficiency of Almgren's system by providing resource usage type indicates a guarantee type to data errors to provide a need for faster and more flexible method for granting the radio access bearer services.

9. As to claim 2, it is rejected for the same reason as claim 1. In addition, Sasuta teaches a comparing part comparing a predetermined threshold with use rate for each of a plurality of obtained resource usage, in which a resource usage type of each of the obtained hardware resource is identical with a resource usage of a resource obtaining request (col. 4, lines 14-49).

10. As to claim 3, Sasuta teaches a securing part secure some of the available resources so as to obtain at least one of the resources for each of a plurality of available resource usages (col. 4, lines 32-42).

11. As to claim 4, Sasuta teaches an obtaining –to-use part obtaining a part of an unused area of the obtained resources in a condition in which each resource usage of the obtained resources is identical with the resource usage of said resource obtaining request and each use rate of the obtained resources exceeds the predetermined threshold (col. 3, line 54- col. 4, line 29).

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12. As to claims 5-6 and 8, Sasuta teaches a threshold setting part dynamically setting a threshold of said each resource usage based on the use rate of said each resources usage of the obtained resource in the system (col. 3, lines 37-42; col. 4, lines 11-23).

13. As to claim 7, it is rejected for the same reason as claim 1. In addition, Sasuta teaches a first selecting-to-use part selecting one obtained hardware resource having a least use rate in obtained hardware resource in a condition in which each resource usage type of the obtained hardware resources is identical with a resource usage type of a hardware resource-obtaining request ((col. 4, 1-2 and lines 32-36).

14. As to claim 9, Sasuta teaches a priority setting part setting a priority of each resource usage based on the use rate of said each resource usage of the obtained resources in the system (col. 4, lines 12-18).

15. As to claim 10, it is rejected for the same reason as claim 1. In addition, Sasuta teaches a second selecting-to-use part selecting one obtained hardware resource which has a use rate being less than an upper limit and has a largest resource, from obtained hardware resources that have been obtained in a condition in which each resource usage type of the obtained hardware resource is identical with a resource usage type of a hardware resource obtaining request (col. 4, 1-2 and lines 32-36).

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Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

April 11, 2006


MENG-AI AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGICAL SERVICES